

Chapter CCLXIII.¹

APPOINTMENT OF MANAGERS OF A CONFERENCE.

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1. Number of managers determined by each House. Sections 3219–3222.
 2. Represent attitude of majority of House. Section 3223.
 3. Changes of managers. Sections 3224–3229.
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3219. Under the later practice, the number of conferees to be appointed has been left to the discretion of the Speaker.

On March 31, 1920,² on motion of Mr. Gilbert N. Haugen, of Iowa, by unanimous consent, the agricultural appropriation bill was taken from the Speaker's table; the Senate amendments thereto were disagreed to; and the conference asked by the Senate was agreed to.

Mr. Champ Clark, of Missouri, inquired why it was proposed to limit the committee of conference to three, and recalled that the long-established practice had been to appoint five conferees on this bill, and that on one occasion seven were appointed.

Mr. Joseph Walsh, of Massachusetts, submitted that the number of conferees to be appointed on a bill was a matter within the discretion of the Speaker.

Mr. Haugen explained that three were being appointed because that number had been appointed as managers on the part of the Senate.

Mr. Clark insisted that the number appointed by the Senate should not determine the number to be appointed by the House, and that the custom of appointing five should be continued.

Thereupon, the Speaker³ announced the appointment of Mr. Haugen, Mr. James C. McLaughlin, of Michigan, and Mr. Gordon Lee, of Georgia, as managers on the part of the House.

3220. On June 24, 1932,⁴ on motion of Mr. Charles R. Crisp, of Georgia, by unanimous consent, the bill H. R. 12443, the general relief bill, was taken from the Speaker's table and the House disagreed to the Senate amendments and agreed to the conference asked by the Senate.

The Speaker⁵ suggested the appointment of himself, the majority leader, Mr. Henry T. Rainey, of Illinois, and the minority leader, Mr. Bertrand H. Snell, of New York, managers on the part of the House.

¹ Supplementary to Chapter CXXXIII.

² Second session Sixty-sixth Congress, Record, p. 5054.

³ Frederick H. Gillett, of Massachusetts, Speaker.

⁴ First session Seventy-second Congress, Record, p. 13879.

⁵ John N. Garner, of Texas, Speaker.

Mr. Snell, demurred, and said he had never heard of a Speaker serving as a conferee.

Mr. Crisp inquired if it would be in order to move that the three gentlemen mentioned be appointed managers on the part of the House.

The Speaker said:

The Chair will state to the gentleman from Georgia that you can not direct the Speaker as to the number or the manner in which conferees shall be appointed. The Chair, therefore, would have to hold that it is not in order to submit such a motion.

The Chair appoints the following conferees: Messrs. Collier, Crisp, Rainey, Hawley, and Treadway.

3221. A motion to instruct the Speaker as to the number of conferees to be appointed is not in order.

The number of conferees to be appointed is within the discretion of the Speaker and may consist of three, five, seven, or nine.

The number of conferees appointed by one House does not determine the number to be appointed by the other.

Instance wherein the Senate appointed seven conferees and the House three on the same committee of conference.

On December 20, 1913,¹ the House disagreed to the amendments of the Senate to the bill (H. R. 7837) to provide for the establishment of Federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, and to establish a more effective supervision of banking in the United States.

Mr. George A. Neeley, of Kansas, moved that the Speaker be instructed to appoint seven conferees, and urged adoption of his motion on the ground that the Senate had appointed seven conferees and the House should be represented by the same number.

Mr. Oscar W. Underwood, of Alabama, raised a point of order against the motion, and cited the rule² providing for appointment of all committees of conference by the Speaker.

The Speaker³ sustained the point of order and announced the appointment of Mr. Carter Glass, of Virginia, Mr. Charles A. Korbly, of Indiana, and Mr. James Hay, of Virginia, as managers on the part of the House at the conference.

3222. Instance wherein the Senate after appointing committee managers subsequently added two additional members to the committee of conference.

On February 16, 1917,⁴ in the Senate, following the passage of the Post Office appropriation bill, with amendments, a conference was requested with the House.

The Vice President⁵ appointed Mr. John H. Bankhead, of Alabama, Mr. Ellison D. Smith, of South Carolina, and Mr. Charles E. Townsend, of Michigan, as managers on the part of the Senate on the disagreeing vote of the two Houses.

¹ Second session Sixty-third Congress, Record, p. 1294.

² Section 2 of Rule X.

³ Champ Clark, of Missouri, Speaker.

⁴ Second session Sixty-fourth Congress, Record, p. 3405.

⁵ Thomas R. Marshall, of Indiana, Vice President.

Subsequently, on February 22,¹ on motion of Mr. Bankhead, two additional conferees on the part of the Senate were authorized, and the Vice President appointed Mr. Nathan P. Bryan, of Florida, and Mr. John W. Weeks, of Massachusetts, as additional managers on the part of the Senate.

3223. The majority of the managers of a conference should represent the attitude of the majority of the House on the disagreement in issue.

Exceptional instance wherein the Speaker passed over the ranking member of the committee in the appointment of conferees.

On June 7, 1929,² on motion of Mr. John Q. Tilson, of Connecticut, by unanimous consent, the bill (S. 312) to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, was taken from the Speaker's table; the amendments of the House were insisted on; and the conference asked by the Senate was agreed to.

Under the usage of the House, the three ranking majority members of the Committee on the Census—Mr. E. Hart Fenn, of Connecticut, Mr. Clarence J. McLeod, of Michigan, and Mr. Lloyd Thurston, of Iowa—would have been appointed with two minority members, as managers on the part of the House.

However, in view of the opposition of Mr. Fenn and Mr. Thurston to the bill, the Speaker³ appointed as managers on the part of the House, Mr. Carl R. Chindblom, of Illinois, a member of the Committee on Ways and Means, who had presided as chairman of the Committee of the Whole during the consideration of the bill, Mr. Fenn, Mr. Thurston, Mr. John E. Rankin, of Mississippi, and Mr. Ralph F. Lozier, of Missouri.

3224. The resignation of a Member as conferee is properly addressed to the Speaker, but is acted on by the House, and being accepted, the Speaker appoints a successor.

On July 8, 1912,⁴ the Speaker⁵ laid before the House the following:

JUNE 13, 1912 .

Hon. CHAMP CLARK,

Speaker of the House, of Representative

MY DEAR MR. SPEAKER. I hereby resign my position as a member of the conference committee on the river and harbor bill.

Important business will necessitate my being absent from Washington for some time, and on this account I think it is best to take the above action.

Yours, very sincerely,

J. H. DAVIDSON.

Following the reading of the communication by the clerk, the Speaker said:

Without objection, the resignation will be accepted.

There being no objection, the Speaker announced:

The gentleman from Wisconsin, Mr. Davidson, was appointed on this conference committee to fill a vacancy caused by the resignation of the gentleman from Massachusetts, Mr. Lawrence. Mr. Davidson now resigns, and the Chair reappoints Mr. Lawrence, who has returned to the city.

¹ Record, p. 3860.

² First session Seventy-first Congress, Record, p. 2531.

³ Nicholas Longworth, of Ohio, Speaker.

⁴ Second session/Sixty-second Congress, Record, p. 8696.

⁵ Champ Clark, of Missouri, Speaker.

3225. Conferees failing to report within 20 calendar days after appointment may be instructed or discharged, and motions to instruct, or to discharge and appoint successors, are of the highest privilege.

During the last six days of a session motions to instruct or discharge are privileged if conferees fail to report within 36 hours after appointment.

Section 1½a of Rule XXVIII provides:

After House conferees on any bill or resolution in conference between the House and Senate shall have been appointed for twenty calendar days and shall have failed to make a report, it is hereby declared to be a motion of the highest privilege to move to discharge said House conferees and to appoint new conferees, or to instruct said House conferees; and further, during the last six days of any session of Congress, it shall be a privileged motion to move to discharge, appoint, or instruct House conferees after House conferees shall have been appointed thirty-six hours without having made a report.

This rule was adopted December 8, 1931,¹ largely in response to the demand which brought about the formulation of the rule establishing the Discharge Calendar. Prior to the adoption of the rule the motion to discharge conferees was without privilege;² and the only method of effecting the discharge of recalcitrant conferee was through special orders reported from the Committee on Rules, a method which apparently had not been invoked since 1894.³

3226. On December 16, 1930,⁴ by direction of the Speaker⁵ the Clerk read as follows:

DECEMBER 18, 1930.

Hon. NICHOLAS LONGWORTH,

The Speaker House of Representatives,

Washington, D. C.

MY DEAR MR. SPEAKER: I hereby submit my resignation as one of the conferees on the bill (H. R. 8159) to authorize appropriations for construction at the United States Military Academy, West Point, N.Y., Fort Lewis, Wash., and Camp Benning, GA.

Respectfully submitted.

JOHN C. SPEAKS.

Whereupon, the Speaker said:

Without objection the resignation is accepted, and a Chair will appoint to fill the vacancy the gentleman from Michigan, Mr. James, and the clerk will inform the Senate of the appointment.

There was no objection.

3227. It has long been the practice for a manager of a conference to be excused only by authority of the House.

On February 2, 1920,⁶ conferees on the part of the House on the bill (H. R. 9065), the farm loan bill were appointed, including Mr. Michael F. Phelan, of Massachusetts.

¹ First session Seventy-second Congress, Record, p. 11, 83.

² Hind's Precedents, section 5626-5628.

³ Second session Fifty-third Congress, Record, p. 8469.

⁴ Third session Seventy-first Congress, Record, p. 908.

⁵ Nicholas Longworth, of Ohio, Speaker.

⁶ Second session Sixty-sixth Congress, Record, p. 2371.

On February 4,¹ Mr. Phelan having advised the Speaker that he desired to be relieved from service on the committee of conference, the Speaker² submitted the request to the House and, there being no objection, the request was agreed to.

Whereupon, the Speaker appointed to the vacancy Mr. Joe H. Eagle, of Texas.

3228. The absence of a manager of a conference causes a vacancy, which the Speaker fills by appointment.

On February 25, 1919,³ Mr. James McAndrews, of Illinois, was appointed one of the managers on the part of the House on the disagreeing votes of the two Houses on the District of Columbia appropriation bill.

On February 26,⁴ the Speaker⁵ announced.

The gentleman from Illinois, Mr. McAndrews, one of the conferees on the District appropriation bill, has been called to Chicago on important business, and the Chair appoints the gentleman from Texas, Mr. Buchanan, in his place.

3229. On June 24, 1926⁶ Mr. Edward J. King, of Illinois, was appointed one of the managers on the part of the House on the disagreeing votes of the two Houses on the bill (H. R. 2) to provide for branch banking.

On January 14, 1927,⁷ the Speaker⁸ made the following announcement:

The Chair desires to make an announcement with reference to the conference on House bill 2, the so-called McFaden bill providing for branch banking. The Chair's attention has been called to the illness of the gentleman from Illinois, Mr. King, one of the conferees, who is confined in a hospital. The Chair is informed through Mrs. King that his physician states that for some time to come he will be unable to transact business, including service on this conference committee, and requests the Chair to appoint someone in his place. Under these circumstances the Chair appoints to fill Mr. King's place on the conference committee during his illness the gentleman from Kansas, Mr. Strong.

¹ Record, p. 2482.

² Frederick H. Gillett, of Massachusetts, Speaker.

³ Third session Sixty-fifth Congress, Record, p. 4261.

⁴ Record, p. 4335.

⁵ Champ Clark, of Missouri, Speaker.

⁶ Second session Sixty-ninth Congress, Record, p. 11927.

⁷ Record, p. 1671.

⁸ Nicholas Longworth, of Ohio, Speaker.